

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: James F. Desmond
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Examiner: Sameh H. Tawfik
Docket No.: P02784

AMENDED APPEAL BRIEF

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I. INTRODUCTION

This Appeal is from a Final Office Action mailed on May 2, 2006, finally rejecting Claims 16-32, 47, 53-55, 57 and 61 of the current application. Applicant commenced this Appeal by Notice of Appeal filed on September 5, 2006 and submission of an Appeal Brief on November 2, 2006. This Amended Appeal Brief is being submitted in furtherance of the Appeal to cure some minor technicalities as requested by the Examiner.

II. REAL PARTY IN INTEREST

James F. Desmond.

III. RELATED APPEALS AND INTERFERENCES

None.

IV. STATUS OF CLAIMS

Claims 16-28, 30-32, 47, 53-55, 57, and 61 are pending, and are under appeal. Claims 1-15, 29, 33-46, 48-52, 56, and 58-60 are cancelled. The claims on appeal are set forth in the attached Appendix. Claim 47 is an independent claim. Claims 16-28, 30-32, 53-55, 57 and 61 depend directly or indirectly from Claim 47.

V. STATUS OF AMENDMENTS

An amendment was submitted on March 23, 2006. The Examiner has entered this amendment.

Under 37 CFR 1.116, in order to present the rejected claims in better form for consideration on appeal, an amendment was submitted after final rejection¹. The Examiner has not yet entered this amendment.

VI. SUMMARY OF CLAIMED SUBJECT MATTER

Summary of Independent Claim 47:

“An adapter element system kit, for assisting pouring of a flowable substance from at least one first container comprising at least one first threaded opening to at least one second container having at least one second threaded opening” shown in FIG. 1 and most clearly described in the paragraphs starting on page 14, line 20 of applicant’s specification.

“at least one adapter cap comprising at least one Yorker tip” shown in FIG. 1 and most clearly described in the paragraphs starting on page 14, line 28 of applicant’s specification as adapter cap **114**.

“wherein said at least one adapter cap is structured and arranged to connect to the at least one first threaded opening of the at least one first container” shown in FIG. 2 and most clearly described in the paragraphs starting on page 17, line 25 of applicant’s specification as adapter cap **114**.

“at least one receiving adapter comprising at least one access structured and arranged to flowably connect with said at least one Yorker tip of said at least one adapter cap” shown in FIG. 24 and most clearly described in the paragraphs starting on page 24, line 21 of applicant’s specification as receiver adapter cap **406**.

¹ In the May 2, 2006, Final Rejection, the Examiner objected to Claims 26 and 29 because they depended from canceled Claim 51. An After Final Amendment was submitted to amend Claim 26, as well as Claim 18, so they now properly depend on Claim 47. Applicant has canceled Claim 29 and subsequently amended Claim 30 for proper dependency.

“wherein said at least one receiving adapter comprises at least one threaded port structured and arranged to connect with said at least one second opening of said at least one second container” shown in FIG. 25 and most clearly described in the paragraphs starting on page 25, line 3 of applicant’s specification as adapter cap **406**.

“the at least one second container” shown in FIG. 1 and most clearly described in the paragraphs starting on page 12, line 27 of applicant’s specification, as well as in FIG. 24 and most clearly described in the paragraphs starting on page 24, line 12 of applicant’s specification as flexible squeeze tube **402**.

“wherein said at least one receiving adapter is structured and arranged so that the flowable substance may be transferred through said at least one adapter cap connected to said at least one receiving adapter directly from the at least one first container to said at least one second container” shown in FIG. 26 and most clearly described in the paragraphs starting on page 14, line 20 of applicant’s specification.

“wherein said second container comprises at least one flexible squeeze tube” shown in FIG. 1 and most clearly described in the paragraphs starting on page 12, line 27 of applicant’s specification, as well as in FIG. 24 and most clearly described in the paragraphs starting on page 24, line 12 of applicant’s specification as flexible squeeze tube **402**.

Summary of dependent Claim 16:

Claim 16 is dependent from Claim 47 with the further limitation of:

“a plurality of said receiving adapters” shown in FIG. 27 and most clearly described in the paragraphs starting on page 25, line 30 of applicant’s specification as receiving adapter caps **428**, **430**, and **432**.

Summary of dependent Claim 31:

Claim 31 is dependent from Claim 16 with the further limitation of:

“at least one set of instructions” shown in FIG. 27 and most clearly described in the paragraphs starting on page 16, line 23 of applicant’s specification as instructions **144**.

Summary of dependent Claim 17:

Claim 17 is dependent from Claim 16 with the further limitation of:

“a plurality of said second containers” shown in FIG. 27 and most clearly described in the paragraphs starting on page 25, line 33 of applicant’s specification as flexible squeeze tubes **422, 424, and 426**.

Summary of dependent Claim 23:

Claim 23 is dependent from Claim 17 with the further limitation of:

“a travel-bag structured and arranged to hold and portably transport said plurality of second containers, and said plurality of receiving adapters” shown in FIG. 27 and most clearly described in the paragraphs starting on page 16, line 25 of applicant’s specification as travel bag **146**.

Summary of dependent Claim 24:

Claim 24 is dependent from Claim 17 with the further limitation of:

“at least one second container comprising a first capacity, and at least one second container comprising a second capacity” shown in FIG. 27 and most clearly described in the paragraphs starting on page 12, line 26 of applicant’s specification as flexible bags **104 and 106**.

Summary of dependent Claim 32:

Claim 32 is dependent from Claim 17 with the further limitation of:

A “plurality of second containers” comprising “a plurality of flexible squeeze-tubes” shown in FIG. 27 and most clearly described in the paragraphs starting on page 25, line 33 of applicant’s specification as flexible squeeze tubes **422, 424, and 426**.

Summary of dependent Claim 18:

Claim 18 is dependent from Claim 47 with the further limitation of:

A “plurality of second containers” shown in FIG. 27 and most clearly described in the paragraphs starting on page 25, line 33 of applicant’s specification as flexible squeeze tubes **422**, **424**, and **426**.

Summary of dependent Claim 19:

Claim 19 is dependent from Claim 47 with the further limitation of:

“at least one plunger syringe” shown in FIG. 27 and most clearly described in the paragraphs starting on page 16, line 3 of applicant’s specification as syringe **140**.

Summary of dependent Claim 20:

Claim 20 is dependent from Claim 19 with the further limitation of:

“at least one plunger syringe” comprising “at least one catheter syringe with a capacity of about sixty cubic centimeters” shown in FIG. 27 and most clearly described in the paragraphs starting on page 16, line 3 of applicant’s specification as syringe **140**.

Summary of dependent Claim 21:

Claim 21 is dependent from Claim 19 with the further limitation of:

“at least one plunger syringe” further comprising “at least one flexible tube” shown in FIG. 27 and most clearly described in the paragraphs starting on page 16, line 5 of applicant’s specification as tubing **142**.

Summary of dependent Claim 22:

Claim 22 is dependent from Claim 21 with the further limitation of:

“at least one flexible tube... between about one-eighth inch diameter and about one-half inch diameter plastic tubing” shown in FIG. 27 and most clearly described in the paragraphs starting on page 16, line 3 of applicant’s specification as tubing **142**.

Summary of dependent Claim 25:

Claim 25 is dependent from Claim 47 with the further limitation of:

An “o-ring structured and arranged to assist in providing a seal between said at least one receiving adapter and said at least one second container” shown in FIG. 18 and most clearly described in the paragraphs starting on page 21, line 16 of applicant’s specification as o-ring **282**.

Summary of dependent Claim 26:

Claim 26 is dependent from Claim 47 with the further limitation of:

“at least one second container” comprising “at least one spout” shown in FIG. 27 and most clearly described in the paragraphs starting on page 13, line 32 of applicant’s specification as spout **112**.

Summary of dependent Claim 27:

Claim 27 is dependent from Claim 26 with the further limitation of:

“at least one spout” comprising “at least one non-spill valve” shown in FIG. 27 and most clearly described in the paragraphs starting on page 14, line 1 of applicant’s specification as spout **112**.

Summary of dependent Claim 28:

Claim 28 is dependent from Claim 26 with the further limitation of:

“at least one lanyard” shown in FIG. 14 and most clearly described in the paragraphs starting on page 21, line 3 of applicant’s specification as lanyard **280**.

Summary of dependent Claim 30:

Claim 30 is dependent from Claim 47 with the further limitation of:

“at least one flexible bag” comprising “at least one combination selected from the group consisting of: (a) bottom-gusset and at least one side gusset, (b) bottom-gusset only, and (c) at least one side gusset with bottom-fold” shown in FIGS. 20-23 and most clearly described in the paragraphs starting on page 23, lines 3, 17, and 30 of applicant’s specification as flexible bag **340**.

Summary of dependent Claim 53:

Claim 53 is dependent from Claim 47 with the further limitation of:

“at least one second container... smaller than the at least one first container” shown in FIG. 4 and most clearly described in the paragraphs starting on page 43, line 5 of applicant’s Abstract.

Summary of dependent Claim 54:

Claim 54 is dependent from Claim 47 with the further limitation of:

“at least one flexible squeeze-tube... structured and arranged so that it can be folded to expel substantially all air from within such flexible squeeze-tube” shown in FIG. 26 and most clearly described in the paragraphs starting on page 25, line 18 of applicant’s specification as flexible squeeze tube **402**.

Summary of dependent Claim 55:

Claim 55 is dependent from Claim 47 with the further limitation of:

“at least one o-ring structured and arranged to assist in providing a seal between said at least one receiving adapter cap and said at least one second threaded opening of the at least one second container” shown in FIG. 18 and most clearly described in the paragraphs starting on page 21, line 16 of applicant’s specification as o-ring **282**.

Summary of dependent Claim 57:

Claim 57 is dependent from Claim 47 with the further limitation of:

“at least one flexible squeeze-tube comprising: (a) at least one first end and at least one second end; (b) wherein said at least one empty flexible squeeze-tube is new and unused for containment; (c) wherein said at least one first end comprises a reclosable access system wherein said reclosable access system, when closed, seals such at least one first end; and (d) wherein said at least one second end comprises a permanent ‘linear’ tube seal closure” shown in FIGS. 31 and 32 and most clearly described in the paragraphs starting on page 27, line 25 of applicant’s specification as flexible tube **530**.

Summary of dependent Claim 61:

Claim 61 is dependent from Claim 47 with the further limitation of:

“at least one flexible squeeze-tube... structured and arranged so that it can be folded substantially flat” shown in FIG. 26 and most clearly described in the paragraphs starting on page 25, line 18 of applicant’s specification as flexible squeeze tube **402**, and alternatively, as shown in FIG. 23.

VII. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The following claim rejections were asserted in the Final Rejection:

- (A) Claims 25-29, 47, 53 and 57 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,918,650 to Bordon.
- (B) Claims 16-24, 30-32, 54 and 61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,918,650 to Bordon.
- (C) Claims 16-32, 47, 53-55, 57 and 61 stand rejected under 35 U.S.C. §112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The issues before the Board are as follows:

35 U.S.C. §102(b)

ISSUE 1: Under 35 USC §102(b), does Borden’s “liquid transfer system for bottles” (US 5,918,650) anticipate applicant’s independent Claim 47?

ISSUE 2: Under 35 USC §102(b), does Borden’s “liquid transfer system for bottles” anticipate applicant’s dependent Claims 25 and 55?

ISSUE 3: Under 35 USC §102(b), does Borden’s “liquid transfer system for bottles” anticipate applicant’s dependent Claims 27 and 28?

ISSUE 4: Under 35 USC §102(b), does Borden’s “liquid transfer system for bottles” anticipate applicant’s dependent Claim 57?

35 U.S.C. §103(a)

ISSUE 5: Under 35 USC §103(a), are Claims 16-24, 30-32, 54, and 61 unpatentable over Borden’s “liquid transfer system for bottles”?

35 U.S.C. §112, Second Paragraph

ISSUE 6: Under 35 USC §112, Second Paragraph, is independent Claim 47 indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention?

VIII. GROUPING OF CLAIMS

For purposes of brevity, Claims 16-32, 53-55, 57 and 61 are deemed to stand or fall with Claim 47.

IX. ARGUMENT

A prima facie case under 35 USC §102(b) has not been established

ISSUE 1: Under 35 USC §102(b), does Borden's "liquid transfer system for bottles" (US 5,918,650) anticipate applicant's independent Claim 47?

The Examiner has rejected independent Claim 47 under 35 USC §102(b), as allegedly being anticipated by the Borden reference. Applicant respectfully submits that a prima facie case of anticipation under 35 USC §102(b) has not been established since the Borden reference does not describe each and every element of applicant's Claim 47.

The courts have explained: "The **identical** invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); and "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently **described**, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant's independent Claim 47 sets forth the requirement that "(g)...said at least one second container comprises at least one flexible squeeze-tube". Applicant respectfully submits that the Borden reference does **not** describe the use of at least one "*flexible squeeze-tube*". It is critical to applicant's system that the second container is a flexible squeeze tube, which provides ease of transport and efficient storage, distinguishing applicant's system from Borden's system. The flexible squeeze tube limitation cannot be found anywhere in the Borden reference. The Borden reference

clearly limits its descriptions to elements that are **non-flexible** within the meanings of applicant's specification and claims. The Borden reference specifically describes "bottles", and each of the figures in the Borden reference shows rigid bottles (See Borden's Detailed Description references to "bottle **38**"; and all of the Claims and Figures). The new and useful ease of transport and efficient storage functions of applicant's flexible squeeze tube are not taught, described, suggested or enabled by the Borden reference.

Even further, Applicant respectfully submits that the Borden reference clearly "teaches away" from applicant's flexible squeeze tube. See *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994). Borden's system requires gravity draining an upside down first bottle into a second receiving bottle, as shown in Borden's Figure 1 (See also Borden's Detailed Description column 3, lines 17-34). More specifically, Borden states, "The liquid transfer system for bottles is stable because the weight of the nearly full bottle is on the bottom with the nearly empty inverted bottle on top" (See Borden's Detailed Description column 3, lines 31-34). Borden's arrangement clearly requires the use of rigid, non-flat-when-empty bottles, which lack the spatially efficient storage function and ease-of-transport function provided by applicant's system of using flat flexible bags.

Thus, applicant respectfully submits that a prima facie case of anticipation under 35 USC §102(b) has not been established since the Borden reference does not describe each and every element of applicant's claim 47.

ISSUE 2: Under 35 USC §102(b), does Borden's "liquid transfer system for bottles" anticipate applicant's dependent Claims 25 and 55?

Applicant's Claims 25 and 55 subsequently depend on independent Claim 47. Applicant repeats as though fully set forth here the above arguments regarding the Borden reference.

The Examiner has rejected Claims 25 and 55, stating “further comprising at least one o-ring structured and arranged to assist in providing a seal between the at least one receiving adapter cap and the at least one second threaded opening of the at least one second container (Fig. 1; via ribs 30 and 50)”. Applicant interprets this to mean the Examiner is taking the position that applicant’s o-ring **282** is anticipated by Borden’s rib **30** and groove **50**. Applicant’s Claims 25 and 55 sets forth “at least one o-ring structured and arranged to assist in providing a seal between said at least one receiving adapter and said at least one second container”. Applicant’s o-ring **282** clearly functions as a sealer. The Borden reference teaches a rib **30** and groove **50** which function as a locking mechanism: “the first mating piece **12** is inserted into female end **40** in an axial direction such that the rib **30** snaps and **locks** into the groove **50** in a friction engagement” (See Borden’s Description, Column 3, lines 1-3). The sealing function of applicant’s o-ring **282** is not taught, described, suggested or enabled by the Borden reference.

Thus, applicant respectfully submits that a prima facie case of anticipation under 35 USC §102(b) has not been established since the Borden reference does not describe each and every element of applicant’s claims 25 and 55.

ISSUE 3: Under 35 USC §102(b), does Borden’s “liquid transfer system for bottles” anticipate applicant’s dependent Claims 27 and 28?

Applicant’s Claims 27 and 28 subsequently depend on Claim 47. Applicant repeats as though fully set forth here the above arguments regarding the Borden reference.

The Examiner has rejected Claims 27 and 28, stating “Regarding claims 27 and 28: wherein the at least one spout comprises at least one non-spill valve and lanyard, see for example (Fig. 1)”. This statement appears non-responsive to applicant. The Examiner appears to be taking the position

that applicant's non-spill spouts **112** and lanyards **280** are taught by simply looking at FIG. 1 of the Borden reference.

The Borden reference does not teach non-spill spouts. Applicant's Claim 27 sets forth "at least one spout" comprising "at least one non-spill valve". Applicant's spout **112** clearly functions as a spout which minimizes spills and is specifically set forth as preferably being embodied as a "Smartspout®" (See applicant's Detailed Description page 14, line 13). The Borden reference simply teaches a "male end **24**", making no mention of any ability to stop spills. The specific no-spill function of applicant's invention, provided by using, for example, a spill minimizing spout **112**, is not taught, described, suggested or enabled by the Borden reference.

Similarly, the Borden reference does not teach lanyards. Applicant's Claim 28 sets forth a "lanyard", which can carry a flask **262** and a flexible bag **200**, among other things. The Borden reference makes no mention of lanyards or any other means for carrying a flask or flexible bag (See the Borden reference's Detailed Description, as well as FIG. 1 as suggested by the Examiner). Applicant's lanyard **280** is not taught, described, suggested or enabled by the Borden reference.

Thus, applicant respectfully submits that a prima facie case of anticipation under 35 USC §102(b) has not been established since the Borden reference does not describe each and every element of applicant's Claims 27 and 28.

ISSUE 4: Under 35 USC §102(b), does Borden's "liquid transfer system for bottles" anticipate applicant's dependent Claim 57?

Applicant's Claim 57 subsequently depends on independent Claim 47. Applicant repeats as though fully set forth here the above arguments regarding the Borden reference.

The Examiner has rejected Claim 57, stating that "via bottle **38** is inherently squeezable". Applicant interprets that the Examiner is taking the position that the second container bottle **38** is

squeezable and therefore anticipates applicant's Claim 57. Applicant respectfully disagrees in that the Borden reference makes no suggestion of ever 'squeezing' a bottle **38**, never mentions the word "squeeze" or anything functionally similar to it, nor does the Borden reference teach or suggest that a bottle **38** comprise a reclosable end as provided for by applicant's system. In addition, and most unique, the Borden reference does not teach or suggest that a bottle **38** comprise the ability to be filled from a second opening for convenient filling and refilling.

Applicant's Claim 57 sets forth a flexible tube **530** comprising "at least one first end and at least one second end; wherein said at least one empty flexible squeeze-tube is new and unused for containment; wherein said at least one first end comprises a reclosable access system wherein said reclosable access system, when closed, seals such at least one first end; and wherein said at least one second end comprises a permanent 'linear' tube seal closure", as best shown in applicant's FIGS. 31 and 32.

The Borden reference teaches that "the liquid transfer system for bottles is stable because the weight of the nearly full bottle is on the bottom with the nearly empty inverted bottle on top" (See Borden's Detailed Description column 3, lines 31-34). Borden's arrangement clearly requires the use of rigid, non-flat-when-empty bottles, which lack the flattening, reclosing, transport, and ease of storage functions provided by applicant's flat flexible tubes.

The flattening, reclosing, transport, ease of storage, and fill-from-a-second-opening functions of applicant's flexible tube **530** are not taught, described, suggested or enabled by the Borden reference. Thus, applicant respectfully submits that a prima facie case of anticipation under 35 USC §102(b) has not been established since the Borden reference does not describe each and every element of applicant's claim 57.

Applicant's Claims are Non-Obvious Under 35 U.S.C. §103(a)

ISSUE 5: Under 35 USC §103(a), are Claims 16-24, 30-32, 54, and 61 unpatentable over Borden's "liquid transfer system for bottles"?

Applicant respectfully submits that the novel inventions of Claims 16-24, 30-32, 54, and 61 are not obvious, and that the Examiner has not established a prima facie case of obviousness. The Federal Circuit has enunciated several guidelines in making a 35 USC §103 obviousness determination. A prima facie case of obviousness is established when the teachings **from the prior art itself** would appear to have **suggested** the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051 (CCPA 1976)). (Emphasis added). Thus, for the Examiner to establish a prima facie case of obviousness, the Examiner must contend that the teachings from the prior art itself or that knowledge generally available to one of ordinary skill in the art would appear to suggest the claimed subject matter to a person of ordinary skill in the art. Applicant respectfully submits that in the present case the Examiner has done neither.

In rejecting Claims 16-24, 30-32, 54, and 61, the Examiner has repeatedly taken the position that applicant's system is obvious "...since it has been held that mere duplication of the essential working parts of a device/part involves only routine skill in the art," and that "...it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Borden's system, by...". However, at no point has the Examiner established how the references cited suggest combining prior art to form the claimed subject matter.

Former Chief Judge Markey of the Federal Circuit has stated, "virtually all inventions are 'combinations', and ... every invention is formed of 'old elements' ... Only God works from nothing. Man must work with the elements." H.T. Markey, *Why Not the Statute?*, 65 J. Pat. Off. Soc'y 331,

333-34 (1983). Applicant respectfully points out that Applicant's use of: a plurality of containers; travel-bags; syringes; gussets; and flexible squeeze tubes; respectively, in combination with applicant's other limitations, is new and non-obvious.

Applicant herein repeats by reference, as though fully set forth herein, applicant's entire argument that the Borden reference is not a proper 35 USC §102 reference; and thus the Borden reference should not be used as the primary reference for a 35 USC §103(a) obviousness rejection.

Applicant's Claims Are In Compliance With 35 U.S.C. §112, Second Paragraph

ISSUE 6: Under 35 USC §112, Second Paragraph, is independent Claim 47 indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention?

In rejecting Claim 47 under 35 U.S.C. §112, Second Paragraph, the Examiner asserts that the phrase "**the at least second container,**" in the body of the claim is "vague and infinite as it is not clear what applicant is referring to." However, it is respectfully submitted that the phrase "**the at least second container**" clearly has antecedent basis to the preamble of the claim. The preamble recites, "[a]n adapter element system kit, for assisting pouring of a flowable substance from at least one first container comprising at least one first threaded opening to **at least one second container** having at least one second threaded opening... (Emphasis added)". Accordingly, Applicant respectfully requests withdrawal of the rejection of Claim 47 under 35 U.S.C. §112, Second Paragraph.

X. CONCLUSION

Applicant believes that all of the applicant's Claims are about the ease of transport and efficient storage of utilizing "flexible bags", and are allowable with respect to 35 USC §102(b), 35 USC §103(a) and 35 USC §112, Second Paragraph. It is respectfully requested that the Examiner be reversed and that Claims 16-32, 47, 53-55, 57, and 61 be allowed.

A fee of \$250.00 will be paid electronically by EFS to cover the filing fee for the brief. If there are any further fees necessitated by the foregoing communication not covered by the enclosed check, please charge such fees to our Deposit Account No. 50-1887, or if the amount submitted herewith is greater than the amount required, please credit any overpayment to our Deposit Account No. 50-1887.

Date: December 27, 2006

Respectfully submitted,

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XI. CLAIMS APPENDIX

1-15 (cancelled)

- 16) The adapter element system kit according to claim 47 comprising a plurality of said receiving adapters.
- 17) The adapter element system kit according to claim 16 comprising a plurality of said second containers.
- 18) The adapter element system kit according to claim 47 comprising a plurality of said second containers.
- 19) The adapter element system kit according to Claim 47 further comprising at least one plunger syringe.
- 20) The adapter element system kit according to Claim 19 wherein said at least one plunger syringe comprises at least one catheter syringe with a capacity of about sixty cubic centimeters.
- 21) The adapter element system kit according to Claim 19 wherein said at least one plunger syringe further comprises at least one flexible tube.
- 22) The adapter element system kit according to Claim 21 wherein said at least one flexible tube is between about one-eighth inch diameter and about one-half inch diameter plastic tubing.
- 23) The adapter element system kit according to Claim 17 further comprising a travel-bag structured and arranged to hold and portably transport said plurality of second containers, and said plurality of receiving adapters.
- 24) The adapter element system kit according to Claim 17 wherein said plurality of second containers comprises:
 - a) at least one second container comprising a first capacity; and
 - b) at least one second container comprising a second capacity.

- 25) The adapter element system kit according to Claim 47 further comprising at least one o-ring structured and arranged to assist in providing a seal between said at least one receiving adapter and said at least one second container.
- 26) The adapter element system kit according to Claim 47 wherein said at least one second container comprises at least one spout.
- 27) The adapter element system kit according to Claim 26 wherein said at least one spout comprises at least one non-spill valve.
- 28) The adapter element system kit according to Claim 26 further comprising at least one lanyard.
- 29) (cancelled)
- 30) The adapter element system kit according to Claim 47 wherein said at least one flexible bag comprises at least one combination selected from the group consisting of:
 - a) bottom-gusset and at least one side gusset,
 - b) bottom-gusset only, and
 - c) at least one side gusset with bottom-fold.
- 31) The adapter element system kit according to Claim 16 further comprising at least one set of instructions.
- 32) The adapter element system kit according to claim 17 wherein said plurality of second containers comprises a plurality of flexible squeeze-tubes.
- 33-46 (cancelled)

- 47) An adapter element system kit, for assisting pouring of a flowable substance from at least one first container comprising at least one first threaded opening to at least one second container having at least one second threaded opening, comprising:
- a) at least one adapter cap comprising at least one Yorker tip;
 - b) wherein said at least one adapter cap is structured and arranged to connect to the at least one first threaded opening of the at least one first container;
 - c) at least one receiving adapter comprising at least one access structured and arranged to flowably connect with said at least one Yorker tip of said at least one adapter cap;
 - d) wherein said at least one receiving adapter comprises at least one threaded port structured and arranged to connect with said at least one second opening of said at least one second container; and
 - e) the at least one second container;
 - f) wherein said at least one receiving adapter is structured and arranged so that the flowable substance may be transferred through said at least one adapter cap connected to said at least one receiving adapter directly from the at least one first container to said at least one second container;
 - g) wherein said at least one second container comprises at least one flexible squeeze-tube.

48) (cancelled)

49) (cancelled)

50) (cancelled)

51) (cancelled)

52) (cancelled)

- 53) The adapter element system kit according to claim 47 wherein said at least one second container is smaller than the at least one first container.
- 54) The adapter element system kit according to claim 47 wherein said at least one flexible squeeze-tube is structured and arranged so that it can be folded to expel substantially all air from within such flexible squeeze-tube.
- 55) The adapter element system kit according to claim 47 further comprising at least one o-ring structured and arranged to assist in providing a seal between said at least one receiving adapter cap and said at least one second threaded opening of the at least one second container.
- 56) (cancelled)
- 57) The adapter element system kit according to claim 47 wherein said at least one flexible squeeze-tube comprises:
- a) at least one first end and at least one second end;
 - b) wherein said at least one empty flexible squeeze-tube is new and unused for containment;
 - c) wherein said at least one first end comprises a reclosable access system wherein said reclosable access system, when closed, seals such at least one first end; and
 - d) wherein said at least one second end comprises a permanent “linear” tube seal closure.
- 58-60. (cancelled)
61. The adapter element system kit according to Claim 47 wherein said at least one flexible squeeze-tube is structured and arranged so that it can be folded substantially flat.

XII. EVIDENCE APPENDIX

None.

XIII. RELATED PROCEEDINGS APPENDIX

None.